

CITY COUNCIL AGENDA

MAY 27, 2003

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
TERRY O. GREGORY
DAVID D. CORTESE
JUDY CHIRCO
PAT DANDO, VICE MAYOR

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.ci.san-jose.ca.us/cty_clk/agenda.htm

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:34 a.m. - Closed Session, Room 600, City Hall
Absent – Council Members – None.

1:34 p.m. - Regular Session, Council Chambers, City Hall
Absent – Council Members – None.
- **Invocation (District 5)**
Pastor Antonio Cano of the San José Central Seventh Day Adventist Church delivered the Invocation.
- **Pledge of Allegiance**
Mayor Gonzales led the Pledge of Allegiance.
- **Orders of the Day**
Item 10.1 was considered in a Joint City Council/Redevelopment Agency Board session.

1 CEREMONIAL ITEMS

- 1.1** Presentation of commendations to Mexican Heritage Plaza, the English Department of Santa Clara University, and Heyday Books. (Campos)
(Deferred from 5/13/03 – Item 1.5)
Mayor Gonzales and Council Member Campos presented commendations to Juana Gevarra and Maria De La Rosa from the Mexican Heritage Plaza, Francisco Jimenez from the Santa Clara University English Department, and Heyday Books for their supportive efforts towards encouraging literacy in San José. Vice Chair of the Board of Directors for the Mexican Heritage Plaza Juana Gevarra thanked the Mayor and Council for their acknowledgements and support.

1 CEREMONIAL ITEMS

- 1.2 Presentation of plaque to Elbert Reed for 4 years 9 months service on the Campaign Finance Review and Ethics Board. (Mayor)
Mayor Gonzales presented a plaque to Elbert Reed for his 4 years and 9 months of service on the Campaign Finance Review and Ethics Board. Elbert Reed thanked the Mayor and Council for their support and commendations for his service.
- 1.3 Presentation of a plaque to the City of San José from the American Lung Association commemorating 5 years of compliance to Assembly Bill 13, “No Smoking in Bar and Restaurant Initiative” and for earning a “Gold Status” level of compliance. (City Manager’s Office)
(Deferred from 5/20/03 – Item 1.6)
Mayor Gonzales accepted a plaque given to the City of San José from the American Lung Association in commemoration of a 5 year compliance to the Assembly Bill 13, “No Smoking in Bar and Restaurant Initiative” and for earning a “Gold Status” level of compliance. Mayor Gonzales accepted the plaque and thanked the American Lung Association for the honorary achievement.
- 1.4 Presentation of an award to Tom Manheim, Public Outreach Manager, from the California Association of Public Information Officials (CAPIO) for receipt of the *Paul B. Clark Award*, a lifetime achievement award that recognizes outstanding contributions in the field of public information. (City Manager’s Office)
(Rules in Lieu referral 5/21/03)
Mayor Gonzales was joined at the podium by President of the California Association of Public Information Officials (CAPIO) to present the Paul B. Clark Award to Tom Manheim in recognition of his outstanding contributions within the field of public information. Tom Manheim thanked the Mayor, Council, and CAPIO for the award.
- 1.5 Presentation of a proclamation recognizing this year’s San José Greek Festival. (Yeager)
(Rules in Lieu referral 5/21/03)
Mayor Gonzales and Council Member Yeager presented a proclamation to St. Nicholas Greek Orthodox Church in recognition of this year’s San José Greek Festival.

2 CONSENT CALENDAR

- 2.1 Approval of Minutes.
None.

2 CONSENT CALENDAR

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 26895- Amends Section 4.46.050 of Chapter 4.46 and Section 4.47.040 of Chapter 4.47 of Title 4 and repeals Section 24.02.470 of Chapter 24.02 of Title 24 of the San José Municipal Code to make nonsubstantive revisions to the provisions regarding the rate of tax.

Ordinance 26895 adopted.

2.3 Approval of ordinances related to the Police and Fire Department Retirement Plan.

Recommendation:

- (a) Approval of an ordinance amending Chapter 3.36 of Title 3 of the San José Municipal Code (Police and Fire Department Retirement Plan) to update the medical examination procedures for disability retirement applications, to clarify the calculation of disability retirement allowances, and to clarify the calculation of survivorship benefits payable because of a service-connected death. CEQA: Exempt, PP03-05-152. (Boards of Administration for the Police & Fire Department Retirement Plan)

Ordinance No. 26901 was passed for publication.

- (b) Approval of an ordinance amending Section 3.44.010 of Chapter 3.44 of Title 3 of the San José Municipal Code to clarify that cost-of-living adjustments apply to surviving spouse benefits provided under the optional settlement provisions of the Police and Fire Department Retirement Plan. CEQA: Exempt, PP03-05-153. (Boards of Administration for the Police & Fire Department Retirement Plan)

Ordinance No. 26902 was passed for publication.

2.4 Approval of ordinance relating to Municipal Water System potable water revenue, expenditures, rates and charges.

Recommendation: Approval of an ordinance amending Chapter 4.80 of Title 4 of the San José Municipal Code by repealing Part 3 relating to the Alviso Water Service Area Extension and Improvement Fund and amending Part 12 relating to the Consolidated Water Utility Fund, and amending Chapter 15.08 of Title 15 of the of the San José Municipal Code to add a new Part 2.5 relating to rates and charges for potable water service. (City Attorney's Office)

Ordinance No. 26903 was passed for publication. Noes: Reed.

Staff was directed to clarify the ordinance before returning for final adoption, pertaining to these issues: to clarify the number of capital reserve funds, the operational financial audit requirement, staffing ratios, a requirement stating debt service be paid prior to general fund transfers, in-lieu fees, and the goal stating municipal water rates remain below the average rates paid by the residential water customers.

2 CONSENT CALENDAR

2.5 Recommendation to name a park.

Recommendation: Recommendation to name a park at Winfield Boulevard and Chynoweth Avenue “Cilker Park.” Council District 10. CEQA: Not a Project. (Parks and Recreation Commission/City Clerk)

The naming of William H. Cilker Park approved.

2.6 Approval of various actions related to two Business Improvement Districts.

Recommendation:

- (a) Preliminary approval of the report as filed by the Willow Glen Business Improvement District Advisory Board, or as modified by Council; and adoption of a resolution of intention to levy the annual assessment for 2003-2004, and set June 17, 2003 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments. CEQA: Exempt, PP 03-05-165. Council District 6. (Economic Development)

Resolution No. 71566 adopted.

- (b) Preliminary approval of the report as filed by the Japantown Business Improvement District Advisory Board, or as modified by Council; and adoption of a resolution of intention to levy the annual assessment for 2003-04, and set June 17, 2003 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments. CEQA: Exempt, PP 03-05-165. Council District 3. SNI: 13th Street. (Economic Development)

Resolution No. 71567 adopted.

2.7 Approval of the RFP for the Utility Billing System.

Recommendation: Approval of the draft Request for Proposals that integrates Customer Service and Hauler Contract Management for Recycle Plus and the Municipal Water System for the Utility Billing System. CEQA: Not a Project. (Environmental Services/Finance/Information Technology) (Council referral 5/13/03 – Item 7.3)

Approved.

2.8 Approval of various actions related to sale of surplus City-owned land.

Recommendation: Adoption of a resolution:

- (a) Declaring two 4,367 square foot parcels of City-owned land, located on the southwesterly side of 6th Street, between Martha Street and Bestor Street, surplus to the needs of the City; and
- (b) Approving an agreement for the parcel adjacent to APN 472-14-065 to 901 South Sixth Street Associates, L.P. for \$5,500; and
- (c) Approving an agreement for the parcel adjacent to APN 472-14-066 to 985 South Sixth Street Associates, L. P., for \$5,500.

CEQA: Negative Declaration, PDC98-10-078. Council District 3. SNI: Spartan/Keyes. (General Services)

Resolution No. 71568 adopted.

2 CONSENT CALENDAR

2.9 Approval of an agreement related to software and hardware maintenance and support.

Recommendation: Adoption of a resolution authorizing the Director of General Services to:

- (a) Negotiate and execute a software and hardware maintenance and support agreement with Sun Microsystems (Santa Clara) in a first year amount not to exceed \$143,705.84; and
- (b) Execute four one-year options to renew for a total of five years without further Council action other than the appropriation of funds.

CEQA: Not a Project. (General Services)

Resolution No. 71569 adopted.

2.10 Approval of a resolution accepting donations from the San José Public Library Foundation.

Recommendation: Adoption of a resolution accepting donations from the San José Public Library Foundation in an amount not to exceed \$200,000 for a period beginning July 1, 2003 and ending June 30, 2004. CEQA: Not a Project. (Library)

Resolution No. 71570 adopted.

2.11 Approval of action related to Franklin No. 50.

Recommendation: Adoption of a resolution authorizing the detachment from special District County Sanitation 2-3 of 16.25 acres of land, located on the south side of Tully Road approximately 500 feet easterly of 10th Street, and generally bounded by the City of San José Annexations Monterey Park No. 5, Franklin 31, Franklin 4, and Franklin 17.

CEQA: Resolution No. 71359. Council District 7. (Planning, Building and Code Enforcement)

Deferred to 6/10/03.

2.12 Approval of a Memorandum of Understanding with local law enforcement agencies.

Recommendation: Approval of the amended Memorandum of Understanding with local law enforcement agencies to provide access to the California Identification (CAL-ID) System. CEQA: Not a Project. (Police)

Approved.

2.13 Approval to award a contract for the Plata Arroyo Park Play Area Renovation Project.

Recommendation: Report on bids and award of contract for the Plata Arroyo Park Play Area Renovation Project to the low bidder, Beacon Construction, Inc., to include the base bid and Add Alternate Nos. 1, 2, 3, & 4 in the amount of \$173,013, and approval of a contingency in the amount of \$9,000. CEQA: Exempt, PP03-02-042. Council District 5. SNI: Gateway East. (Public Works)

Approved.

2 CONSENT CALENDAR

2.14 Approval of various actions related to the Kelley Park Service Yard Renovation Project.

Recommendation:

- (a) Increase contingency budget authorization by \$51,000, from \$66,000 to \$117,000.

Approved.

- (b) Adoption of the following appropriation ordinance amendments in the Park Yards Fund:

(1) Increase the Kelley Park Service Yard Renovation Project by \$107,000.

(2) Decrease the Ending Fund Balance by \$107,000.

Ordinance No. 26904 adopted.

- (c) Adoption of a resolution authorizing the City Manager to negotiate and execute a continuation agreement with Garcia Teague Architecture + Interiors for the Kelley Park Service Yard Project, to expand the scope of services, increase the compensation by an amount not to exceed \$26,000, and extend the term of the agreement from April 30, 2003 to November 30, 2003.

CEQA: Mitigated Negative Declaration, PP01-10-186. Council District 7. (Public Works/City Manager's Office)

(Deferred from 5/20/03 – Item 2.12)

Resolution No. 71571 adopted.

2.15 Approval of an agreement related to the Hayes Mansion Conference Center.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute the first amendment to the agreement with HVS International for consultant services related to the Hayes Mansion Conference Center, to extend the term until June 30, 2004, and to increase the compensation in an amount not to exceed \$174,000, for a total compensation not to exceed \$286,500. CEQA: Not a Project. Council District 2. (Finance)

(Rules in Lieu referral 5/21/03)

Resolution No. 71572 adopted.

2.16 Approval of various actions related to grant applications.

Recommendation: Adoption of a resolution authorizing the City Manager to submit grant applications to the Santa Clara Valley Water District for the following projects:

- (a) Willow Glen Spur (grant request = \$300,000).
(b) Selma Olinder/Coyote Creek Trail (grant request = \$250,000).
(c) Coyote Creek, Capital Expressway to Yerba Buena Road (grant request = \$400,000).
(d) City-wide Trail Enhancements (grant request = \$450,000).
(e) Dobern Bridge (grant request = \$250,000).

CEQA: Resolution No. 65459, PP03-05-175. Council Districts 3, 4, 5, 6, 7, and 10. SNI: East Valley/680, Spartan/Keyes, Tully Senter, University, Five Wounds/Brookwood Terrace. (Parks, Recreation and Neighborhood Services) (Rules in Lieu referral 5/21/03)

Resolution No. 71573 adopted.

Staff was directed to change the name from Guadalupe River Trail to Guadalupe Creek Trail on the grant applications.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session - September 26, 2002

Mayor Gonzales, Chair

- (a) Silicon Valley Rapid Transit Corridor
Tunneling BART to San José

**The Report of the City Council Study Session of September 26, 2002
accepted.**

3.2 Report of the Rules Committee – May 14, 2003

Vice Mayor Dando, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council

- (1) Review May 27, 2003 Draft Agenda

**The Committee recommended approval of the May 27, 2003 City
Council agenda with five additions.**

- (2) Add New Items to May 20, 2003 Amended Agenda

**The Committee recommended five additions to the May 20, 2003 City
Council agenda.**

- (3) List of Reports Outstanding

**The Committee noted and filed the City Manager's report listing
three staff reports outstanding for the May 20, 2003 Council meeting.**

- (c) Legislative Update

- (1) State

There was no report.

- (2) Federal

There was no report.

- (d) Meeting Schedules

There were none.

- (e) The Public Record

**Regarding Item (a), Member Cortese, liason to the Housing Advisory
Commission (HAC), stated he would contact Mr. Sam Peng from the Santa
Clara County Housing Action Coalition and suggest Mr. Peng coordinate
with the City's HAC to address City Council in August during the Open
Forum portion of the agenda. The Committee noted and filed the Public
Record.**

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – May 14, 2003 (Cont'd.) Vice Mayor Dando, Chair

- (f) Boards, Commissions and Committees
 - (1) Police and Fire Retirement Board
Request from Police and Fire Retirement Board to consider revising the definition of “surviving child” to include children born to retirees, or who were adopted after the person retired. (Deferred from 5/7/03)
The Committee directed the City Manager and City Attorney to submit a detailed response to the Police and Fire Retirement Board indicating, with specificity, the full force and effect of their request in relation to the collective bargaining process. The Committee also directed Mr. Overton to place this issue on the June 5th Police and Fire Retirement Board agenda.

Items F2 through F11:

The Committee directed the City Clerk to conduct a blind drawing for those commissions with more than one vacancy and varying term ending dates, with the results of the draw noted in the Rules Committee report. The Committee recommended the following appointments:

- (2) Arts Commission
The Committee recommended appointment of Maxwell Crumley (Incumbent), Ben Miyaji (Incumbent), Jess Morales, and Ruth Turnstall-Grant to terms ending June 30, 2006.
- (3) CDBG Steering Committee
The Committee recommended appointment of Lisa Jensen (Incumbent), Rodolfo Nasol (Incumbent), and Steven Sosnowski (Incumbent) to terms ending June 30, 2006.
- (4) Early Care and Education Commission
The Committee recommended appointment of Thomas Paramo, Hyacinth Stephens and Kathleen Swineford to unexpired terms ending June 30, 2004; and Jemima Munoz to an unexpired term ending June 30, 2005.
- (5) Human Rights Commission
The Committee recommended appointment of Tahir Anwar to an unexpired term ending December 31, 2005.
- (6) Library Commission
The Committee recommended appointment of Lyn Green to an unexpired term ending June 30, 2005; and Cong Do to a term ending June 30, 2006.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – May 14, 2003 (Cont'd.) Vice Mayor Dando, Chair

- (f) Boards, Commissions and Committees
 - (7) Mobile Home Advisory Commission
The Committee directed the City Clerk to readvertise in August for the neutral representative.
 - (8) Parks and Recreation Commission
The Committee recommended appointment of Mark Swineford to an unexpired term ending June 30, 2004; and directed the City Clerk to readvertise in August for the remaining vacant position.
 - (9) Senior Citizens Commission
The Committee recommended appointment of Surendra Amin to an unexpired term ending June 30, 2004; and Marilous Cristina to an unexpired term ending June 30, 2005.
 - (10) Small Business Development Commission
The Committee recommended appointment of Jason Loia to an unexpired term ending December 31, 2003 and the subsequent three-year term ending December 31, 2006; and Daisy Chu to an unexpired term ending December 31, 2005.
 - (11) Traffic Appeals Commission
The Committee recommended appointment of Matthew Hall to an term ending June 30, 2006.
- (g) Council Referrals for Assignment to Administration or Council Appointee
There were none.
- (h) Administrative Reviews and Approval
 - (1) Request from City Auditor to remove an audit of the City Clerk's Office from the City Auditor's 2002-2003 workplan
The Committee recommended approval to remove an audit of the City Clerk's Office from the City Auditor's 2002-03 workplan.
- (i) Oral communications
None were presented.
- (j) Adjournment
The meeting adjourned at 2:35 P.M.

The Rules Committee Report and actions of May 14, 2003 were accepted.

3 STRATEGIC SUPPORTS SERVICES

3.3 Report of the Making Government Work Better Committee – May 14, 2003 Council Member Campos, Chair

- (a) Results of the Contract Streamlining Ordinance
The Committee accepted the staff report with the request that staff bring a progress report back in 6 months that includes an analysis of any further changes proposed to the ordinance.
- (b) City Clerk One-Stop shop
This item deferred to June 11, 2003.
- (c) San José Fire Department Bureau of Fire Prevention Audit Report
This item was deferred to June 11, 2003.
- (d) Review the scope of supervision for City Departments and Council Appointees
The Committee accepted the Staff report with only two Committee Members present.
- (e) Audit follow-up on Prevailing and Living Wage
The Committee accepted the Staff recommendation and requested that the item be cross-referenced as a Joint City/Redevelopment Agency item.

SEE ITEM 10.1 FOR COUNCIL ACTION TAKEN

- (f) Follow-up on Memorandum on Internal Controls (role clarification: City/WIA Board oversight roles)
The Committee recommended that this item be carried over to the June 11, 2003 Making Government Work Better Committee.
- (g) Santa Clara County Cities Association Audit Report
The Committee accepted the staff report.
- (h) Oral petitions
None.
- (i) Adjournment
The Committee was adjourned at 4:20 P.M.

The Making Government Work Better Committee Report and actions of May 14, 2003 were accepted.

3.4 Campaign Finance Review and Ethics Board Interviews.

Recommendation: Interview applicants to the Campaign Finance Review and Ethics Board for two four-year terms ending March 1, 2007. (City Clerk)

Direction for the City Clerk to reopen the recruitment for applicants to fill the remaining vacancies on the Campaign Finance Review and Ethics Board because of the insufficient number of finalists for City Council interviews and have the item return to Council on August 12, 2003. Noes: LeZotte, Yeager, Williams.

3 STRATEGIC SUPPORT SERVICES

3.5 Approval of various actions related to a RFP for Cellular Phone Service.

Recommendation:

- (a) Report on RFP for Cellular Phone Service and approval to reject all proposals.
The Report on RFP for Cellular Phone Service and the rejection of all proposals were approved.
- (b) Adoption of a resolution authorizing the Director of General Services to:
 - (1) Execute any necessary documentation to make purchases under the pricing terms and conditions obtained under the Western States Contracting Alliance (WSCA) Agreement for the purchase of wireless service and equipment from AT&T Wireless, Verizon, Nextel and/or Sprint, in a cumulative amount not to exceed \$1,100,000 for the period July 1, 2003 through June 30, 2004; and
 - (2) Make further purchases for three additional one-year terms under the same contracting provisions, without further Council action other than the appropriation of funds.

CEQA: Not a Project. (General Services/Information Technology)

Resolution No. 71574 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee

Council Member Chavez, Chair

No Report.

4.2 Report of the Driving a Strong Economy Committee

Council Member Williams, Chair

No Report.

4.3 Approval of various actions related to the Downtown Business Improvement District.

Recommendation: Preliminary approval of the report as filed by the Downtown Business Improvement District Advisory Board or as modified by Council, and adoption of a resolution of intention to levy increased annual assessments for 2003-04 in the Downtown Business Improvement District at the June 17, 2003 at 1:30 p.m. public hearing. CEQA: Exempt, PP 03-05-165. Council District 3. SNI: St. James Square; University; Josefa/Auzerais; Burbank/Del Monte. (Economic Development)

Resolution No. 71575 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.4 Approval of various actions related to the development of single-family homes.

Recommendation: Public Hearing and adoption of a resolution:

- (a) Approving a Disposition and Development Agreement (DDA) between the City of San José and the San José Conservation Corps, or an affiliated entity, for the development of single-family homes on the following sites in the City of San José:
 - (1) S/s of Meredith Avenue, between Lincoln Avenue and Coolidge Avenue-1 unit.
 - (2) Blossom Hill Avenue opposite the terminus of Croydon Avenue - 8 units.
- (b) Finding that the use of 20% Low- and Moderate-Income Housing Funds for the sites is of benefit to the Redevelopment Project Areas in San José.

CEQA: Meredith, Exempt, SP02-081; Blossom Hill, Exempt, PP03-05-167. Districts 6 and 9. (Housing)

The Public Hearing was held and Resolution No. 71576 adopted.

4.5 Approval of various actions related to the Eden Palms Special Needs Apartments.

Recommendation:

- (a) Adoption of a resolution approving a conditional grant of up to \$1,275,000 to Eden Housing Inc., or its designated affiliate, for the development of the Eden Palms Special Needs Apartments, a 15-unit rental development affordable to extremely low-income individuals with developmental disabilities, located at 5350 Monterey Road.

Resolution No. 71577 adopted.

- (b) Adoption of the following appropriation ordinance and funding sources resolution amendments in the HOME Investment Partnership Program Fund (Fund 445) to:
 - (1) Increase the HOME Loans and Grants appropriation to the Housing Department by \$1,275,000.
 - (2) Increase Grant Revenue by \$1,275,000.

CEQA: Mitigated Negative Declaration, PDC03-002. Council District 2. SNI: Edenvale/Great Oaks. (Housing/City Manager's Office)

Ordinance No. 26905 adopted.

Resolution No. 71578 adopted.

4.6 Approval of various actions related to the Hellyer Piercy District Project (CFD #6).

Recommendation: Adoption of the following appropriation ordinance and funding sources resolution amendments in the Construction Excise Tax Fund:

- (a) Establish an appropriation to the Department of Public Works for the Hellyer Piercy Improvement District and Great Oaks-Route 85 CFD #6 Project, in the amount of \$565,300.
- (b) Increase the estimate for Earned Revenue by \$565,300.

CEQA: Resolution No. 69699, PP 02-10-284. Council District 2. SNI: Edenvale. (Public Works/City Manager's Office)

Ordinance No. 26906 adopted.

Resolution No. 71579 adopted.

Staff was directed to provide a listing of projects that will be funded.

5 RECREATION & CULTURAL SERVICES

- 5.1 Report of the All Children Achieve Committee**
Council Member Yeager, Chair
No Report.

- 5.2 Approval of actions related to the Tully Branch Library Project.**

Recommendation: Report on bids and award of contract for the construction of the New Tully Branch Library Project to the lowest responsive bidder, Ralph Larsen and Sons, Inc., to include the base bid and Add Alternate No. 1 in the amount of \$7,513,000, and approval of a contingency in the amount of \$751,000. CEQA: Negative Declaration, PP02-04-080. Council District 7. (Public Works)
(Deferred from 5/20/03 – Item 5.2)

Approved.

- 5.3 Approval of an agreement related to the Los Paseos Elementary School.**

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the Morgan Hill Unified School District for the design and construction of a multi-purpose facility on the campus of Los Paseos Elementary School, including a 16-space parking lot and access improvements on the Los Paseos Park site in an amount not to exceed \$1,000,000, subject to the future appropriation of funds to be paid to the City of San José under the Cooperation Agreement by and between the City and Calpine/Bechtel executed on June 26, 2001. CEQA: Exempt, PP03-05-166. Council District 2. (Parks, Recreation and Neighborhood Services)
(Rules in Lieu referral 5/21/03)

Resolution No. 71580 adopted.

6 TRANSPORTATION SERVICES

- 6.1 Report of the Building Better Transportation Committee**
Council Member Cortese, Chair
No Report.

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval of various actions related to the Recycle Plus rate increase.

Recommendation:

- (a) Conduct a public hearing on proposed Fiscal Year 2003-04 Recycle Plus (RP) rate increases;

The Public Hearing was held.

- (b) Adopt a resolution revising RP rates for services beginning July 1, 2003, and increasing single family and multi-family rates by 9%, as shown in the attached charts;

Resolution No. 71581 adopted. Noes: Dando, Gregory.

- (c) Adopt a resolution revising the Commercial Solid Waste Collection Franchise Fee for services performed on or after July 1, 2003, as follows:

- (1) For each uncompacted cubic yard collected, increase the Franchise Fee from \$2.98 to \$3.24 per cubic yard.
- (2) For each compacted cubic yard, increase the Franchise Fee from \$8.94 to \$9.72 per cubic yard.
- (3) Provide an exemption from the Franchise Fee for the first 21,600 cubic yards of un-compacted solid waste (or the equivalent of compacted solid waste) collected in any fiscal year (July 1-June 30).

Resolution No. 71582 adopted. Noes: Dando, Gregory.

- (d) Adopt a resolution amending the Schedule of Fees and Charges to revise the Commercial Solid Waste Source Reduction and Recycling (AB939) Fee effective July 1, 2003, as follows:

- (1) For each uncompacted cubic yard collected, decrease the fee from \$0.86 to \$0.60 per uncompacted cubic yard.
- (2) For each compacted cubic yard collected, decrease the fee from \$2.58 to \$1.80 per cubic yard.

CEQA: Not a Project. (Environmental Services)

Resolution No. 71583 adopted. Noes: Dando, Gregory.

Staff was directed to provide information regarding the cost-per-curb mile for street sweeping and how it compares to other cities, to calculate the amount saved in eliminating the one week of streetsweeping, and to provide the low income provision requirements to qualify for Recycle Plus assistance for senior citizens.

8 AVIATION SERVICES

8.1 Approval of various actions related to the Airport's Relocation of the Remote Transmitter/Receiver Project.

Recommendation:

- (a) Report on bids and award of contract for the Norman Y. Mineta San José International Airport – Relocation of the Remote Transmitter/Receiver Project to the lowest responsive bidder, GSE Construction Co., Inc., in the amount of \$1,644,400, and approval of a contingency in the amount of \$164,000.

Approved. Noes: LeZotte, Yeager, Chavez.

- (b) Approval to designate the Norman Y. Mineta San José International Airport - Relocation of the Remote Transmitter/Receiver Project as a covered project subject to the terms of the San José International Airport Master Plan Project Labor Agreement.

Approved. Noes: LeZotte, Yeager, Chavez.

- (c) Adoption of the following appropriation ordinance amendments in the Airport Renewal and Replacement Fund:

- (1) Increase the Remote Transmitter Receiver Relocation appropriation by \$627,000.
(2) Decrease the Airport People Mover – Transit Connection appropriation by \$627,000.

CEQA: Resolution No. 67380, PP 03-03-096. (Public Works)

Ordinance No. 26907 adopted. Noes: LeZotte, Yeager, Chavez.

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board convened to consider Item 10.1 in a Joint Session at 4:13 P.M.

10.1 Approval of actions regarding prevailing and living wage requirements.

Recommendation:

- (a) Adoption of a resolution providing that all City contracts containing prevailing wage and living wage requirements include as remedies for a breach of these requirements provisions giving the City the right to conduct an audit, collect liquidated damages, and withhold compensation.

Resolution No. 71584 adopted.

(This item continued on next page.)

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

10.1 Approval of actions regarding prevailing and living wage requirements. (Cont'd.)

Recommendation:

- (b) Direct Redevelopment Agency staff and the General Counsel's Office to determine appropriate enforcement mechanisms for Agency contracts requiring prevailing wages requirements and return to the Board for approval of such language.

(Public Works/Redevelopment Agency)

[Making Government Work Better referral 5/14/03 – Item 3.3(e)]

Approved.

Staff was directed to provide a reporting mechanism tracking the progress of the approved actions in regards to prevailing and living wages.

The Redevelopment Agency Board portion of the meeting adjourned at 4:32 P.M.

- **Closed Session Report**
- **Notice of City Engineer's Pending Decision on Final Maps**
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9375	Southeast corner of Park Ave & Hedding St.	6	Rose Garden Courtyards	11	SFD Courthomes	Approve

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

None.

- **Open Forum—**
(1) Ross Signorino spoke on school safety issues.
- **Adjournment**

The Council of the City of San José adjourned at 4:34 P.M.